

## ARTICLE LXVII.

### NEGLIGENCE CAUSING DEATH.

1.

In order to maintain a suit under this article the equitable plaintiffs must show a pecuniary interest in the life of the deceased; the jury may not consider the pain and suffering of the deceased nor the mental suffering of the equitable plaintiffs. This article contrasted with Lord Campbell's Act. *Elder v. B. & O. R. R. Co.*, 126 Md. 498.

A suit under this and the following sections should have been withdrawn from the jury as to one defendant under the doctrine of assumption of risk, and was properly withdrawn as to the other defendant because there was no evidence of negligence. *Westinghouse E. & Mfg. Co. v. Monroe*, 129 Md. 61.

The compromise and settlement of a separate suit against a wrongdoer who is severally liable with the defendant for a tort, held to bar a suit under this section since there can be but one compensation for the same injury. *Cox v. Md. Elec. Rwy. Co.*, 126 Md. 301.

In a suit under this article the evidence of a father as to the number and ages of his children when offered for the purpose of showing that the deceased took care of the younger children, thus saving the expense of an attendant, and leaving the mother free to aid her husband in his business, is admissible. *U. Rwy. & E. Co. of Balto. v. Mantik*, 127 Md. 205.

The citation in support of the note to this section at the bottom of page 1534 of volume 2 of the Annotated Code is error; the case which supports the note is, *State use of Hartlove v. Fox*, 79 Md. 527.

2.

See notes to section 1.

4.

Purpose of this section; see notes to article 91, section 33. *State v. Rich*, 126 Md. 648.